

## Message Text

UNCLASSIFIED

PAGE 01 PARIS 06903 181758Z

45

ACTION L-02

INFO OCT-01 EUR-12 ISO-00 SCA-01 JUSE-00 SSO-00 /016 W  
----- 104813

O 181755Z MAR 75

FM AMEMBASSY PARIS

TO SECSTATE WASHDC IMMEDIATE 7644

UNCLAS PARIS 06903

E.O. 11652: N/A

TAGS: CPRS, PFOR, FR

SUBJECT: EXTRADITION - HOLDER/KERKOW

REF: TELECON BLAKESLEY/MCLENDON MARCH 18

1. AS REQUESTED TELECON, FOLLOWING ADDITIONAL INFORMATION PROVIDED RE ROLE OF AVOCAT GENERAL IN EXTRADITION CASE.

2. FRENCH CODE DE PROCEDURE PENALE (ART.31 FF.) DESCRIBES ROLE OF MINISTRE PUBLIC, WHO IS REPRESENTED IN EVERY CRIMINAL CASE. ESSENTIALLY, HIS ROLE IS TO REPRESENT THE PUBLIC INTEREST AND TO ENSURE APPLICATION OF THE LAW. "HE IS FREE TO PRESENT THOSE ORAL OBSERVATIONS THAT HE BELIEVES APPROPRIATE IN THE PURSUIT OF JUSTICE." (ART.33) IN CHAMBRE D'ACCUSATION, ROLE OF MINISTRE PUBLIC IS PLAYED BY PROCUREUR GENERAL OR AVOCAT GENERAL.

3. IN HOLDER/KERKOW CASE, AVOCAT GENERAL DE SABLET EXPLAINED AT MARCH 17 HEARING HIS ROLE IN CASE (WE ASSUME EXPLANATION WAS INTENDED FOR BENEFIT OF FOREIGN JOURNALISTS WHO ATTENDED TRIAL.) HE STATED THAT HE DID NOT REPRESENT THE U.S. GOVERNMENT IN THE CASE, NOR DID HE REPRESENT THE FRENCH GOVERNMENT. HIS ROLE AS MINISTRE PUBLIC IN EXTRADITION CASE IS NOT THE SAME AS IN ORDINARY CRIMINAL CASES. HIS ROLE IS RATHER TO INTERPRET THE APPLICABLE LAWS AND TREATIES AND ASSIST THE COURT IN DETERMINING WHETHER THE LEGAL CONDITIONS FOR EXTRADITION ARE MET.

RUSH

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## Message Attributes

**Automatic Decaptoning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXTRADITION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 18 MAR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
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**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** hartledg  
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**Review Date:** 17 JUN 2003  
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**Review Transfer Date:**  
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**TAGS:** CPRS, PFOR, FR, (HOLDER, WILLIAM), (KERKOW, KATHERINE)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006